

## **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 1-21 were pending in this application when examined. Non-elected claims 9-12 and 17-19 are withdrawn from consideration.

Claim 1 has been amended to recite that the time-temperature indicator comprises “(b) a reference scale for evaluating the degree of decoloration or coloration”, and “(c) a protector that prevents renewed photo-induced coloration of the indicator or a cover support designed to avoid photo recharging or photo bleaching”. Support for the amendments can be found on page 29, lines 13-14 (cover support), page 32, lines 22-23 (protector), and page 32, lines 8-11 and page 33, lines 1-5 (reference scale) of the specification.

Claim 3 has been amended to delete “preferably by one or more fluoro atoms”, and this feature has been included in new claim 23.

Claim 13 has been amended to incorporate the features of claims 14 and 20, the result of which claims 14 and 20 have been cancelled.

New claim 22 has been added, and support for this claim can be found on page 33, line 11 of the specification, and original claim 1.

Claims 1, 3, 5, 7 and 13 have been amended to make minor editorial changes, which are self-explanatory.

### **I. Claim Rejections Under 35 U.S.C. § 102**

The Examiner rejects claims 1-4, 13-14 and 20 under 35 U.S.C. § 102(b) as being anticipated by Tatzono et al. (U.S. 5,376,511); rejects claims 1, 2, 5-8, 13-16 and 20-21 under 35 U.S.C. § 102(b) as being anticipated by Byker et al. (U.S. 6,084,702); rejects claims 1, 2, 5-8, 13-16 and 20-21 under 35 U.S.C. § 102(b) as being anticipated by Bloch-Chaude; and rejects claims 1, 2, 5-8, 13-16 and 20-21 under 35 U.S.C. § 102(b) as being anticipated by Ignacio et al.

As applied to the amended claims, Applicants respectfully traverse the rejections.

A claim is anticipated **only** if each and every element set forth in a claim is found, either expressly or inherently described, in a single prior art reference (see MPEP 2131).

Claim 1 is directed to a time-temperature indicator (TTI) comprising (a) at least one indicator compound, (b) a reference scale for evaluating the degree of decoloration or coloration, and (c) a protector that prevents renewed photo-induced coloration of the indicator or a cover support designed to avoid photo recharging or photo bleaching. Accordingly, the TTI of claim 1 requires more than simply “at least one indicator compound”.

The Examiner asserts that each reference discloses an indicator compound, and that each reference anticipates claim 1.

However, none of the cited references disclose a TTI comprising (a) at least one indicator compound, (b) a reference scale for evaluating the degree of decoloration or coloration, and (c) a protector that prevents renewed photo-induced coloration of the indicator or a cover support designed to avoid photo recharging or photo bleaching, as recited in amended claim 1.

Furthermore, the references do not disclose “at least one indicator compound in a first isomeric form, which is converted into a second isomeric form of said indicator compound in a valence isomerization reaction without migration of an atom or chemical group attached to said indicator compound **in a time and temperature dependent manner**, wherein the formation of the second isomeric form is detectable by monitoring a physical characteristic of the first isomeric form or the second isomeric form of the indicator”, as recited in claim 1.

Accordingly, the references do not disclose the technical features by which a TTI is distinguished from a known indicator compound or substrate comprising a photochromic material, such as an optical recording medium. **Thus, none of the cited references disclose a TTI comprising the technical features of claim 1 (e.g., the reference scale)**, and the references do not disclose or suggest the ability of the disclosed compounds to indicate a change in temperature **and also a change in time**, as recited in claim 1.

Therefore, not one of the references discloses each and every feature of amended claim 1.

For example, Tatzono et al. disclose an optical recording medium, the information on which can be erased and replaced by a new one over and over again (see column 2, line 37). The reference does not disclose or suggest a TTI comprising “(b) a reference scale for evaluating the degree of decoloration or coloration”, as recited in claim 1. Therefore, claim 1 is not anticipated by the reference.

In addition, the Byker et al., Bloch-Chaude and Ignacio et al. references also do not disclose or suggest the TTI of amended claim 1.

Accordingly, claim 1 is not anticipated by any of the references. Claims 2-8, 13, 15, 16 and 21 depend directly or indirectly from claim 1, and thus also are not anticipated by the references.

Moreover, amended claim 1 would not have been obvious over each reference taken alone or in combination.

## II. Conclusion

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the rejections set forth by the Examiner have been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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